REMARKS/ARGUMENTS

The Examiner is requiring restriction to one of the following groups:

Group I: Claims 1-47 and 55-60, drawn to a pharmaceutical gel preparation, a method for producing a pharmaceutical preparation and a kit for producing a pharmaceutical preparation and a method for treating a patient with a pharmaceutically active peptide compound;

Group II: Claims 48-53, drawn to a method for treating a hormone-dependent disorder in a patient by subcutaneous or intramuscular administration of a pharmaceutical preparation; and

Group III: Claim 54, drawn to a method for modifying the reproductive function in a patient by subcutaneous or intramuscular administration of a pharmaceutical preparation.

Applicants hereby elect Group I, Claims 1-47 and 55-60, drawn to a pharmaceutical gel preparation, a method for producing a pharmaceutical preparation and a kit for producing a pharmaceutical preparation and a method for treating a patient with a pharmaceutically active peptide compound, with traverse on the grounds that no adequate reasons and/or examples have been provided to support a conclusion of patentable distinctiveness between the identified groups. Also, it has not been shown that a burden exists in searching the claims of the three groups.

Moreover, the M.P.E.P. at § 803 states as follows:

> "If the search and examination of an entire application can be made without a serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions."

Applicants respectfully submit that a search of all of the claims would not impose a serious burden on the Office.

With respect to the four requirements for an election of species, Applicants elect D-63153 as the ionic peptide compound; GnRH antagonist; sodium chloride as the inorganic salt; and prostate cancer as the hormone-dependent disorder. The claims readable on the elected species are 1-49 and 55-60.

Applicants traverse the election of species on the grounds that this requirement denies to Applicants a recitation of the full scope of their invention. All of the disclosed peptide compound and aqueous salt combinations are effective treatments for the disclosed hormone-dependent disorders and ideally should be considered in the search of the prior art.

Accordingly, and for the reasons presented above, Applicants submit that the Office has failed to meet the burden necessary in order to sustain the Restriction Requirement. Withdrawal of the Restriction Requirement is respectfully requested.

Applicants respectfully submit that the above-identified application is now in condition for examination on the merits, and early notice of such action is earnestly solicited.

Respectfully submitted,

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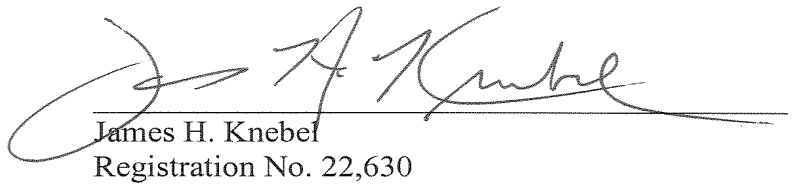

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